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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/018,408	12/13/2001	So Takeyama	F-7249	1164
28107	7590	06/03/2004	EXAMINER	
JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/018,408

**Applicant(s)**

TAKEYAMA ET AL.

**Examiner**

Kim Nguyen

**Art Unit**

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 8-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 8-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/4/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

The amendments filed March 4, 2004 and April 11 has been received and considered. By the amendments, claims 14-24 have been added, and claims 1 and 8-24 are now pending in the application.

#### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 8-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) In claim 1, line 30, the claimed limitation “in a diagonal direction” is ambiguous. It is not clear if “the diagonal direction” implies diagonal to the “effective line” or “in the same diagonal direction with the effective lines when the effective lines are in the diagonal direction”. For the examination purpose, the claimed limitation is read as “providing dividend of change a previous produced dividend when a maximum number of effective lines are selected and a predetermined combination is formed in a diagonal direction when the effective lines are in the same diagonal direction”.

- b) Claims 12-13 are similarly rejected as explained in claim 1 above.

- c) Other claims are rejected as being dependent on the rejected base claim.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 and 8-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshihito (Japan Publication No. 09-220,369) in view of Moody (US. Patent No. 6,098,985).

a. As per claim 1 and 8-9, Yoshihito discloses a game system comprising a display unit, an input unit, and a game controller for executing a card game using playing cards (Fig. 1); the game controller includes a card deciding device, a betting device, a dividend controlling device for controlling a dividend for the player according to a combination of the cards (paragraphs 0024 to 0034). Yoshihito does not disclose displaying a plurality of symbols in a matrix shape, allowing the player to set a number of lines as an effective line in only one direction, and produce the dividend when a maximum number of effective lines are selected and the cards are arranged in a diagonal direction. However, Moody discloses a symbol deciding means for displaying a plurality of symbols in a matrix shape, a betting means for allowing the player to set as many lines as the play value set by the player in horizontal direction (col. 3, lines 1-10; and col. 10, lines 9-19), and a dividend controlling means for controlling a dividend for the player according to a combination of the symbols on the selected paylines (col. 10, lines 31-36). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the symbol deciding means, the betting means, and the dividend controlling means

of Moody to the game system of Yoshihito in order to allow the player to have a plurality available paylines to select. Further, Moody suggests providing dividend in diagonal direction (col. 10, lines 31-40), and allowing the player to select any number of effective lines (col. 5, lines 46-48). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a dividend when the player selects all the effective lines in diagonal direction and the cards are arranged in the selected diagonal direction, since selecting an award according to a predetermined combination requires only routine skill in the art.

b. As per claim 10-11, increasing the probability chance of winning according to a designer's preference requires only routine skill in the art.

c. As per claim 12-13, refer to discussion in claim 1 above.

d. as per claim 14-24, refer to discussion in claim 1 above. Further, Moody discloses a two-dimensional matrix with the effective lines in horizontal direction (col. 10, lines 9-13). Further, selecting an effective line in vertical direction, diagonal direction, etc. would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to select the effective line in vertical direction, etc. , since selecting an effective line in any direction preferred by the game designer requires only routine skill in the art.

### ***Response to Arguments***

5. Applicant's arguments filed March 4, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument in pages 16 through 19, on claims 1 and 12-13, independent claims do not explicitly highlight the feature "providing dividend when a winning combination is present on a line in a direction other than the direction of the effective lines, the winning line is not an effective line and was not bet on", because independent claims claim setting effective lines in only one direction and providing winning when the combination of cards is formed at least in a diagonal direction. The claimed limitation encompasses the feature that when the effective lines are set in a diagonal direction, dividend can be obtained when the combination of cards is formed in the same betting diagonal direction. This diagonal line is not different from the effective lines. Arguments concerning teaching of Takemoto are moot in view of the new ground of rejection.

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Art Unit: 3713

Box AF:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

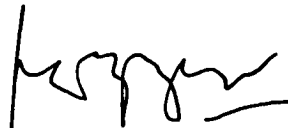
(703) 872-9306, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA  
Second Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The  
examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen  
Primary Examiner  
Art Unit 3713

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Date: May 27, 2004